

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Ronald D. HOUSE et al.

New U.S. Patent Application

Filed: July 31, 2003

For: MULTI-FUNCTION IMAGE FORMING DEVICE WITH BUILD-IN READ/WRITE CD
UNIT

Group Art Unit: Unknown

Examiner: Unknown

Docket No.: 112226

PETITION UNDER 37 C.F.R. §1.47(A)
AND STATEMENT OF FACTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.47(a), this Petition and Statement of Facts is filed to request examination of the above-identified patent application.

Set forth below are the facts pertinent to a filing under Rule 47(a) supporting this Petition under 37 C.F.R. §1.47(a).

The inventorship for this patent application includes nine inventors. One of the co-inventors for this patent application, Mr. Gordon Jim, has refused to execute the application. Attached is the Declaration and Power of Attorney duly executed by one of the co-inventors, Mr. Ronald D. House on behalf of Mr. Gordon Jim as his co-inventor on July 28, 2003. The last known address of the non-signatory co-inventor is: Mr. Gordon Jim, 502 Leslie Drive, Noble, Oklahoma, 73068.

Upon information and belief, Mr. Gordon Jim was asked prior to July 31, 2003 by the undersigned attorney, to review, sign and date the application and Declaration and Power of Attorney. Mr. Gordon Jim refused to do so.

Specifically, a copy of the patent application, including the specification, claims, drawings and abstract, with a Declaration and Power of Attorney, was mailed, by express mail to Mr. Gordon Jim by the undersigned attorney on February 28, 2003. The express mail letter and package to Mr. Gordon Jim was delivered on March 3, 2003. A copy of the Federal Express Tracking Information Slip, confirming that mail was delivered to, and signed by, Mr. Gordon Jim, is attached hereto.

When no reply was received from Mr. Gordon Jim, a second package containing the same documents as those previously forwarded on February 28, 2003 (i.e., a copy of the patent application, including the specification, claims, drawings and abstract, with a Declaration and Power of Attorney) was mailed, by express mail to Mr. Gordon Jim by the undersigned attorney on July 11, 2003. The express mail letter and package to Mr. Gordon Jim was delivered on July 14, 2003. A copy of the Federal Express Tracking Information Slip confirming that mail was delivered to Mr. Gordon Jim is attached hereto.

Mr. Gordon Jim refused to execute the application on or before July 20, 2003, when the Declaration was originally presented to him by express mail, and throughout the period extending to July 28, 2003, when Mr. House signed the Declaration on behalf of Mr. Gordon Jim as his co-inventor.

In both, the February 27, 2003 and July 11, 2003 letters accompanying the Application papers and the Declaration and Power of Attorney (copies of which are attached hereto), the undersigned attorney requested that Mr. Gordon Jim review the application and sign and date the Declaration and Power of Attorney should it meet with his approval. In the second letter dated July 11, 2003 accompanying the Application papers and Declaration and Power of

Attorney, the undersigned attorney asked Mr. Gordon Jim to return the executed Application papers to him by July 20, 2003. As of July 31, 2003, the undersigned attorney has not received a response of any kind from Mr. Gordon Jim.

In the July 11, 2003 letter accompanying the Application papers and Declaration and Power of Attorney, the undersigned advised Mr. Gordon Jim that if he had not heard from him by July 20, 2003, the undersigned will file the application papers without Mr. Jim's signature. Thus, the Application papers and Declaration and Power of Attorney remained with Mr. Jim until July 20, 2003, and continue to remain with him, in order to give him the opportunity to review the Application papers and sign the Declaration and Power of Attorney. Mr. Jim has been in possession of the Application papers and Declaration and Power of Attorney since March 3, 2003. Mr. Jim has thus had a full opportunity to review the Application papers at his convenience. Because Mr. Jim has not contacted the undersigned regarding the need for additional time for review or regarding any questions on the application, it is reasonable to assume Mr. Jim has read and understood the Application papers and Declaration and Power of Attorney.

Thus, diligent efforts have been made to have Mr. Gordon Jim execute this application for a letters patent. Mr. Jim has refused to do so. It is therefore requested that the Declaration and Power of Attorney executed on July 28, 2003 by Mr. Ronald C. House on behalf of Mr. Jim as his co-inventor be placed in the application file and that the application be accepted for examination.

Should Mr. Jim reconsider his position and either himself or through his representative indicate a willingness to file a Substitute Declaration and Power of Attorney, such will be prepared and filed promptly upon execution.

The Commissioner is hereby authorized to charge Deposit Account No. 24-0037 in the amount of \$130.00 for the Petition fee under 37 C.F.R. §1.17(h). Please credit any overpayment or debit any underpayment to the deposit account listed below.

Applicants respectfully requests that the Commissioner grant the present petition and enter the Declaration and Power of Attorney executed on July 28, 2003, by Mr. Ronald D. House on behalf of Mr. Gordon Jim.

If any further information is needed in order to obtain examination of this application pursuant to 37 C.F.R. §1.47(a), Applicants' undersigned attorney invites the Patent Office to telephone him at the number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

George P. Simion
Registration No. 47,089

JAO:GPS/dmw

Date: July 31, 2003

Attachments:

Executed Declaration/Power of Attorney
Copies of February 27, 2003 and July 11, 2003 letters to Mr. Gordon Jim
Copies of Express Mail Tracking Information Slips

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 24-0037</p>
--